

SHER TREMONTE LLP

July 19, 2023

BY ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Trooper 1 v. NYSP et al.*, No. 22-cv-893 (LDH) (TAM); *Cuomo v. Boylan*, No. 23-mc-01587 (LDH) (TAM)

Dear Judge Merkl:

On behalf of our client former Governor Andrew M. Cuomo, we are filing today, among other papers: (1) a Memorandum of Law in Further Support of Former Governor Andrew M. Cuomo’s Motion to Compel Lindsey Boylan’s Compliance with Subpoena and in Opposition to Lindsey Boylan’s and Trooper 1’s Motions to Quash Subpoenas Concerning Lindsey Boylan; and (2) the related Declaration of Theresa Trzaskoma. These papers are being filed in both *Cuomo v. Boylan*, No. 1:23-mc-01587-LDH-TAM, ECF No. 16; *Trooper 1 v. N.Y. State Police*, 1:22-cv-00893-LDH-TAM (“Trooper 1 Action” or “T1”).

Three exhibits to the Trzaskoma Declaration (Exhibits 2, 3, and 4) have been designated fully or partially confidential under the operative Protective Order in the Trooper 1 Action. Exhibit 2 comprises excerpts from a document production made by nonparty Kaitlin, the entirety of which she designated as confidential. Exhibit 3 is the transcript of the deposition of Ana Liss-Jackson—the subject of Governor Cuomo’s recent prior sealing letter to the Court—which is provisionally confidential until the Court rules on our request to confirm that it is not. *See* T1 ECF No. 93. And Exhibit 4 consists of text messages between Ms. Liss-Jackson and Ms. Boylan, which Ms. Liss-Jackson produced and designated confidential.

The Memorandum of Law discusses information pertaining to those confidential exhibits and so certain portions of the brief are also confidential under the Protective Order.

We therefore respectfully request that the Court:

- (1) grant Governor Cuomo leave to file under seal an unredacted version of the Memorandum of Law (attached hereto as Exhibit A with confidential portions highlighted); and
- (2) grant Governor Cuomo leave to file under seal Exhibits 2, 3 and 4 to the above-referenced declaration (attached hereto as Exhibits B, C, and D, respectively).

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In the meantime, we are filing a public version of the Memorandum of Law, redacting information that any party or nonparty has designated confidential under the Protective Order.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma

Attachments

cc (by email): Counsel of Record